UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,018	02/26/2004	Russell Norman Owen	13210-24	3539

1059   7590   06/11/2008
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EXAMINER
RECEK, JASON D

ART UNIT	PAPER NUMBER
2142	

MAIL DATE	DELIVERY MODE
06/11/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _20 May 2008_.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-6,11,12 and 15-17_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _1-6, 11-12, 15-17_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

This is in response to the amendment after final filed on May 20th 2008 which concerns application 10/786018.

Status of Claims

Claims 15-17 are currently rejected under 35 U.S.C. 101.

Claims 1-6, 11-12 and 15-17 are currently rejected under 35 U.S.C. 103(a).

Response to Arguments

1.   Applicant's arguments, with respect to the 101 rejections have been fully considered but are not persuasive. The word "tangible" is merely part of the test for statutory subject matter, it's use does not automatically render the claims statutory. The same goes for claims 15-16, while applicant argues they are directed to a physical mobile device, this would be clear if the claims used that language. The examiner suggests that applicant amend the various claims to recite a "physical" computer medium or "physical hardware" as referred to in paragraph 98 of the specification.

2.   Applicant's arguments with respect to the 102 rejections have been fully considered and are persuasive. It is agreed that Arellano does not explicitly or inherently disclose "monitoring said input data" as recited by the claims. Therefore, the

rejection has been withdrawn. However, upon further consideration, a new ground(s) of

rejection is made in view of Arellano and Healey et al. US 2003/0225825 A1.

Claim Rejections - 35 USC § 101

3.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 15-17 are rejected under 35 U.S.C. 101 because they are directed to

non-statutory subject matter. Regarding claims 15-16, although they are nominally

directed to an apparatus, a review of the specification suggests that the various "means"

of the claims are actually software. Therefore, it is a misnomer to say that the claim is

directed to an apparatus when it is clearly directed to only software. Software is not

patentable unless it is embodied on a statutory computer readable medium. Claim 17 is

rejected because it includes transmission-type media (i.e., signals) within its scope.

See specification paragraph 98.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 1-6, 11-12 and 15-17 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Arellano et al. US 2004/0148334 A1 in view of Healey et al. US

2003/0225825 A1.

        Regarding claim 1, Arellano discloses "A method of aggregating web services"

(paragraph 17), "receiving at least one web service description" ontology model

(paragraph 22), "processing said at least one web service description" determining

descriptions of web services (paragraph 22), "generating one or more user interfaces"

the agent implements a GUI (paragraph 45), "providing said one or more user interfaces

… web services is invoked using input data obtained through said one or more user

interfaces" as generating and using services (paragraph 50), "identify patterns ...

suggest that a first web service ... is obtainable from out of a second web service" as a

coordination platform that determines whether web services can be coordinated

(paragraphs 30, 46, 51), and "generating a new user interface for said computing device

after identifying said patterns" the coordination platform identifies the patterns

(paragraph 51) and the user interface is updated according to the new service

(paragraph 83).

        Arellano does not explicitly disclose " monitoring said input data obtained and

said output data displayed" however this is taught by Healey as capturing a user's input

from a GUI (paragraph 75) for the purpose of application (service) authoring. Healey

does not explicitly teach monitoring output data however this would be obvious in view

of the teaching to monitor user input as output is just the input given to the user. The process of monitoring input and output to determine what parameters are acceptable is generally referred to as reverse engineering. Reverse engineering is well known in the art and yields predictable results. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Arellano to analyze input data as taught by Healey for the purpose of combining services. The motivation to combine is natural to those skilled in the art, by studying what is acceptable and the results (input and output) one will be able to determine and define (description) a service. Once a service description is determined, one can combine services as taught by Arellano.

Regarding claim 2, Arellano discloses "new user interface is adapted to display output data from said first web service" as updating the web service (paragraph 83, Fig. 6).

Regarding claim 3, Arellano discloses "generating code for said user interface" as source code (paragraph 31).

Regarding claim 4, Arellano discloses "transmitting said code from said storage device to said computing device" as reading the code from the medium (paragraph 31).

Regarding claim 5, Arellano discloses "executing said code" as execution of code (paragraph 31).

Regarding claim 6, Arellano discloses "new user interface is adapted to prompt

for input data and receive said input data in the user of said new user interface for

invoking said second web service" as coordinating execution of multiple services

(paragraph 69).

Regarding claim 11, Arellano discloses "detecting instances where said input

data obtained through said one or more user interfaces matches output data displayed"

as dynamically coordinating execution of multiple services (paragraph 69) with user

interfaces (paragraph 83).

Regarding claim 12, Arellano discloses "detecting instances in which selected

data from output data displayed ... is copied to an input field" providing a service to a

user and using data obtained to implement another service (paragraph 82).

Regarding claim 15, it is an apparatus claim that corresponds to the method of

claim 1, it is therefore rejected for the same reasons.

Regarding claim 16, Arellano discloses "a mobile device" as a PDA (paragraph

83).

Regarding claim 17, it is a medium claim that corresponds to the method of claim 1, it is therefore rejected for the same reasons.

Conclusion

6.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Broster et al. US 6,424,968 B1 discloses monitoring user input (col. 5 ln. 22-23).

Gruner et al. US 2003/0154346 A1 discloses capturing output data (paragraph 206).

Campbell et al. US 2003/0009464 A1 discloses capturing output data streams (paragraph 12).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON RECEK whose telephone number is (571)270-1975. The examiner can normally be reached on Mon - Thurs 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason Recek/
Examiner, Art Unit 2142

(571) 270-1975

/Andrew Caldwell/
Supervisory Patent Examiner, Art Unit 2142